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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/807,506 | 03/23/2004 | Kevin Jump | JUMP 0101 PUS | 3405 |
| 22045 | 7590 | 10/06/2008 | EXAMINER | |
| BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075 | | | MARSH, STEVEN M | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3632 | | |
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| | | 10/06/2008 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/807,506 | JUMP, KEVIN | |
| | Examiner | Art Unit | |
| | STEVEN M. MARSH | 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10 July 2008.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4-10 and 13-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 13-17 is/are allowed.

6) Claim(s) 1,9,10 and 18 is/are rejected.

7) Claim(s) 4-8 and 19 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

This is the eighth office action for U.S. Application 10/807,506 for a Hanging Adjustable Mount filed on March 23, 2004. Claims 1, 4-10, and 13-19 are pending.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,006,443 to Siler. Siler discloses an adjustable mounting comprising a generally disc shaped mounting element (85) with an eccentrically located hole (88) extending therethrough, the disc having a perimeter and a back surface that engages the front surface of a wall (25) such that the mounting element and the front surface of the wall may exert frictional forces therebetween in a plane that is parallel to the front surface. There is a threaded fastener (60) extending substantially normally to the back surface and passing through the hole (88) in the mounting element. The threaded fastener is adapted to be secured by the wall and tightened against the mounting element to press the element against a surface of a wall to a selective degree to create a sufficient frictional force acting between the surface of the wall and the back surface of the mounting element to prevent rotation of the mounting element about the fastener or to be loosened to allow rotation of the mounting element on the fastener.

There is an engagement zone (87) on the mounting element perimeter that comprises a bottom of a groove, engageable with a hanging support attached to the

object. The zone is located eccentrically with respect to the hole, the zone being vertically displaced when the mounting element is rotated about the threaded fastener, so as to position the object in a desired location on the wall, the mounting element thereafter able to be frictionally held against the walls surface in the desired through tightening of the fastener against the mounting element so that an operator may adjust the object's vertical position from a front surface of the wall without recourse to a back surface thereof. Claim 1 contains limitations to the wall relative to the mounting and to the object that the mounting supports, but those features are not positively recited in the claims and therefore the mounting need only be capable of meeting the limitations. The element can be engaged against the front surface of a wall (25) and the groove can be spaced apart from a wall to define an arcuate zone of engagement between the groove and the support. The zone on the perimeter mounting element is also capable of being engaged with a wire (it could fit around the extended portion of 16) as claimed in claim 19.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silas. Silas does not directly disclose the groove as having continuous flared sides extending about the perimeter of the mounting element. However, the specific angle of the sides around the groove (flared side would only require that the sides extend at an

angle greater than 90 degrees) of Silas are a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention. Silas also fails to disclose counterbores at each end of the hole. However, Silas provides a teaching of a counterbore (at 32) for providing a flush joint for a fastener. It would have been obvious to one of ordinary skill in the art at the time of the present invention, to have provided a counterbore on each end of the hole for providing flush joints (for the fastener and a nut, as shown in figure 8), as is well known in the art.

Allowable Subject Matter

Claims 13-17 are allowed. Claims 4-8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed July 10, 2008 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., access only from a front surface of a wall) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Rotating the mounting element of Siler around the fastener will vertically displace the zone relative to the wall (25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Steven Marsh

/Steven M Marsh/

Primary Examiner, Art Unit 3632

September 22, 2008

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|--|-------------------------|---|
| Application Number  | Application/Control No. | Applicant(s)/Patent under Reexamination |
| | 10/807,506 | JUMP, KEVIN |
| Examiner | Art Unit | |
| STEVEN M. MARSH | 3632 | |